

Notice of Allowability

Application No.

10/675,763

Applicant(s)

NGUYEN ET AL.

Examiner

Maureen M. Wallenhorst

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on March 13, 2007.
2. ☒ The allowed claim(s) is/are 1, 3-11, 13-16, 18-26, 28-30 (renumbered 1-26).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Hoa Nguyen on August 13, 2007.

On line 1 of claim 1, the phrase "one-step" was inserted before the phrase "chemical synthesis". On line 3 of claim 1, the phrase "a sample" was changed to --an aqueous sample--. Part a) of claim 1 was changed to read as follows: synthesizing isotopically labeled oxime internal standards by reaction of authentic samples of aldehydes and ketones with an isotopically labeled alkoxyamine reagent;--. On line 9 of claim 1, the phrase --having the internal standards therein-- was inserted after the word "sample". On line 10 of claim 1, the phrase "an oximes" was changed to --oximes--. At the end of line 11 in claim 1, the following phrase was inserted after the word "atoms": --, wherein there is no conversion of said stable isotope labeled oxime internal standards to their corresponding non-labeled oxime compound during step c)--. At the end of part d) in claim 1, the word --and-- was inserted after the semicolon.

Claim 2 was canceled since its limitation has already been recited in claim 1.

On line 2 of claim 5, the phrase "said aldehydes and/or ketones" was changed to --aldehydes and/or ketones--.

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On lines 1-2 of claim 7, the phrase “can be” was changed to –is--. On line 2 of claim 7, the word “methods” was changed to –method--.

On line 1 of claim 10, the word “multiple” was deleted. On lines 1-2 of claim 10, the phrase “can be” was changed to –are--.

On line 1 of claim 11, the word “multiple” was deleted. On line 2 of claim 11, the phrase “can be” was changed to –are--.

Claim 12 was canceled since its limitation was incorporated into claim 1.

On line 1 of claim 16, the phrase “one-step” was inserted before the phrase “chemical synthesis”. On line 3 of claim 16, the phrase “a sample” was changed to –an aqueous sample--. Part a) of claim 16 was changed to read as follows: synthesizing isotopically labeled hydrazone internal standards by reaction of authentic samples of aldehydes and ketones with an isotopically labeled alkylhydrazine reagent;--. On line 9 of claim 16, the phrase –having the internal standards therein—was inserted after the word “sample”. At the end of line 11 in claim 16, the following phrase was inserted after the word “atoms”: --, wherein there is no conversion of said stable isotope labeled hydrazone internal standards to their corresponding non-labeled hydrazone compound during step c)--.

Claim 17 was canceled since its limitation has already been recited in claim 16.

On line 2 of claim 20, the phrase “said aldehydes and/or ketones” was changed to –aldehydes and/or ketones--.

On lines 1-2 of claim 22, the phrase “can be” was changed to –is--. On line 2 of claim 22, the word “methods” was changed to –method--.

On line 1 of claim 25, the word "multiple" was deleted. On line 2 of claim 25, the phrase "can be" was changed to --are--.

On line 1 of claim 26, the word "multiple" was deleted. On line 2 of claim 26, the phrase "can be" was changed to --are--.

Claim 27 was canceled since its limitation was incorporated into claim 16.

2. The following is an examiner's statement of reasons for allowance: Application serial no. 10/675,763 is being allowed since none of the prior art of record teaches or fairly suggests a one-step method for synthesizing oxime internal standards and hydrazone internal standards for use in a method of detecting aldehydes and ketones in an aqueous sample that comprises reacting an authentic sample of aldehydes and ketones with an isotopically labeled alkoxyamine or an isotopically labeled alkylhydrazine in order to form the isotopically labeled internal oxime and hydrazone standards. Once the standards are formed, they can then be combined with an aqueous sample containing aldehydes and ketones, the sample reacted with an alkoxyamine or alkylhydrazine in order to convert the aldehydes and ketones in the sample to an oxime or hydrazone of identical structure to the internal standards except for the presence of a stable isotope, the oximes and hydrazones from both the internal standards and the sample extracted by aqueous extraction, and analysis of the oximes and hydrazones by mass spectrometry. The prior art of record teaches of forming oxime and hydrazone internal standards using two steps by first reacting a stable isotope with an aldehyde or ketone to form an isotopically labeled aldehyde or ketone, and then reacting the isotopically labeled aldehyde or ketone with alkoxyamine or alkylhydrazine. The instant invention, instead, forms the isotopically labeled oxime and hydrazone internal standards by reacting in one step a sample containing aldehydes and ketones

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not labeled by any isotope with an isotopically labeled alkoxyamine or isotopically labeled alkylhydrazine.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Thursday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
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mmw

August 14, 2007

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